

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NOE ORTEGA PEREZ,

Petitioner,

v.

BAKER, WARDEN, et al.,

Respondents.

Case No. 3:17-cv-00538-HDM-CLB

ORDER

This counseled habeas petition pursuant to 28 U.S.C. § 2254 is pending before the court for consideration of the merits of the petition. In its review of the record, the court is unable to locate any transcript of the testimony of the victim, R.B., on the final day of trial, October 21, 2009. (See Pet. Ex. 24 (Tr. 2); Resp. Ex. 36).¹ A partial transcript indicates that the testimony on that day was not transcribed. (Pet. Ex. 24). The court requires the entire relevant state court record, including any testimony of the victim that was heard by the jury, to evaluate the petitioner's claims. Accordingly, within thirty days of the date of this order, the respondents shall locate and file either a transcript of R.B.'s testimony on October 21, 2009, or an audio recording thereof, as a supplement to the state court record in this action.

IT IS SO ORDERED.

DATED: This 19th day of June, 2020.


UNITED STATES DISTRICT JUDGE

¹ Cited exhibits are located at ECF Nos. 20 & 29.